

Appl. No. 09/933,285  
Amdt. dated December 19, 2005  
Reply to Office Action of September 28, 2005

### Remarks

The present amendment responds to the Official Action dated September 28, 2005. The Official Action objected to claims 2-5 and 10 under 37 C.F.R. 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claims 1-11 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter for failing the purported first prong of a two prong test. Claims 1-10 were rejected under 35 U.S.C. §112, second paragraph as being indefinite.

Claims 1-10 were rejected under 35 U.S.C. §102(e) or, in the alternative 35 U.S.C. §103(a), based on Gakidis et al. U.S. Patent Publication No. 2002/0095305 (Gakidis). Claims 11-14 were rejected under 35 U.S.C. §103(a) based on Gakidis. Claims 12-14 were rejected under 35 U.S.C. §103(a) based in Gakidis in view of Davis et al. U.S. Patent Publication No. 2001/0047354 (Davis) or Petras et al. U.S. Patent Publication No. 2001/0047290 (Petras). These grounds of rejection are addressed below following a brief discussion of the present invention to provide context.

Claims 1, 2, 4-6, and 10-12 have been amended to be more clear and distinct. Dependent claims 15-16 have been newly added. Claims 1-16 are presently pending.

### The Present Invention

One aspect of the present invention addresses a method of collecting ideas from a number of sources and storing the collected ideas into an electronic archive accessible through a network. Subsequently, the ideas are displayed to members of the organization so that the members of the

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organization can provide additional thoughts related to the merit, business potential, and priority of an idea that is submitted for review. The ideas are then provided to a management screening committee for screening, based on parameters such as portfolio fit, urgency to the business, technical feasibility and risks. The screened ideas are then submitted to an idea sponsor, who has the authority to assign resources to “flesh out” the idea further. The method then enters an opportunity screening phase for further development and evaluation, based on the idea sponsor’s approval and recommendations. A further aspect of the invention includes an idea submission tool for submission of ideas using a web-based interface, providing a consistent access to the system, thereby facilitating easier access to the tools and process, and thus promoting the use of these tools.

Rule 1.75(c) Objection to claims 2-5 and 10

The Official Action objected to claims 2-4 because the Examiner believed it was unclear how the step of “appointing a process champion” would further limit the step of “collecting ideas.” Claim 2 has been amended to clarify the role of a process champion as ensuring that “collected ideas receive expedient attention by the management screening committee.” Support for this amendment can be found, for example, at page 11, lines 8-20.

The Official Action objected to claim 4 because the Examiner believed it was unclear how the step of “convening a meeting” further limits the step of “entering the collected ideas into an electronic archive.” Claim 4 has been amended so that the step of “convening a meeting” is an additional step.

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The Official Action objected to claim 5 because the Examiner believed it was unclear how the step of "performing exploratory research" further limits the step of "providing ideas to management screening committee." Claim 5 has been amended so that the step of "performing exploratory research" is an additional step.

The Official Action objected to claim 10 because it was purportedly unclear how the sub-steps recited in claim 10 further limit the step of "entering into an opportunity screening phase." Claim 10 has been amended so that the steps expressed in claim 10 are additional steps. These Rule 1.75(c) objections are now overcome.

Section 101 Rejection of Claims 1-10 and 11

At para. 9, the Official Action applies a two prong test to claims 1-10, and 11. The first prong asks whether the invention is within the technological arts. The second prong asks whether the invention produces a useful, concrete, and tangible result. It should be noted that the Official Action in applying this test refers to claim 26 as an independent claim and claims 1-10 and 11 as claims dependent on claim 26. Furthermore, the Official Action refers to claims 26-29. Claims 26-29 are not and have not been pending in this case. However, Applicants will interpret this rejection as applying to claims 1-10 and 11.

In particular, the Official Action at para. 12 states that claims 1-10 and 11 fail the first prong, the technological arts test. At para. 13, the Official Action recognizes that claims 1-10 and 11 produce a useful, concrete, and tangible result, thus passing the second prong.

This Official Action was mailed before the Board of Patent Appeals and Interferences ruled in a precedential opinion that there is no separate "technological arts" test for determining

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whether a claimed process amounts to statutory subject matter under Section 101. *Ex parte Lundgren*, Bd. Pat. App. & Int., No. 2003-2088, October 2005. Consequently, this rejection is improper and must be withdrawn. Furthermore, since the Examiner admits that claims 1-10 and 11 produce a useful, concrete and tangible result, claims 1-10 and 11 contain statutory subject matter under Section 101.

#### The Art Rejections

As addressed in greater detail below, Gakidis, Davis, and Petras do not support the Official Action's reading of them and the rejections based thereupon should be reconsidered and withdrawn. Further, the Applicants do not acquiesce in the analysis of Gakidis, Davis, and Petras made by the Official Action and, in light of the present amendments, respectfully traverses the Official Action's analysis underlying its rejections.

Claims 1-10 were rejected under 35 U.S.C. §102(e) or, in the alternative 35 U.S.C. §103(a), based on Gakidis. Gakidis addresses a network system that manages the routing of ideas among submitters and evaluates and assigns values to submitters and evaluators based on interactions and outcomes. Gakidis, Abstract. In particular, Gakidis defines a private currency or "idea shares", the use of which purportedly provides an incentive mechanism for sharing information and promoting ideas. Gakidis, para. [0014]. As an entrepreneur submits an idea, Gakidis's system awards the entrepreneur idea shares which would correlate with some amount of founder's stock. Gakidis, para. [0047]. Experts who evaluate ideas and have key contacts may receive idea shares in exchange for the experts' services. Gakidis, para. [0050]-[0051]. Gakidis does not address techniques for collecting ideas from employees of a business

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organization as presently claimed and does not address entering an opportunity screening phase based on the approval of an idea sponsor.

Unlike Gakidis, the present invention provides a technique for managing the submission of ideas extracted from various sources. The technique includes collecting ideas from both ideas submitted through an idea submission tool and extracting ideas from using a knowledge management system to look for field based development opportunities that can be leveraged into solution deliverables. These collected ideas are screened by a management screening committee based on parameters such as portfolio fit, urgency to the business, technical feasibility and risks, and the like. Once screened, the ideas are assigned to an idea sponsor. The idea sponsor has the authority to assign resources to further conceptualize the ideas. As such, the ideas enter an opportunity screening phase based on the idea sponsor's approval. During the opportunity screening phase, ideas are researched further and early indicators of risk and potential return on investment are identified. Claim 1, as presently amended, reads as follows:

1. A method for managing the submission of ideas in a business organization, comprising:
  - (a) collecting ideas extracted from a plurality of sources including ideas submitted through an idea submission tool and extracted from a knowledge management system utilized to look for field based development opportunities that can be leveraged into solution deliverables;
  - (b) storing the collected ideas into an electronic archive accessible through a network;
  - (c) selectively displaying the stored ideas to members of the organization so that the members of the organization can provide additional thoughts to the submission;
  - (d) selectively providing the stored ideas to a management screening committee for screening; and

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- (e) submitting screened ideas to an idea sponsor; and
- (f) entering into an opportunity screening phase based on the idea sponsor's approval. (emphasis added)

Gakidis does not disclose and does not make obvious "collecting ideas extracted from a plurality of sources including ideas submitted through an idea submission tool and extracted from a knowledge management system utilized to look for field based development opportunities that can be leveraged into solution deliverables," as presently claimed in claims 1, 11, and 12. Although the Official Action relies on paras. [0003-0008] of Gakidis as purportedly supporting the Examiner's view that the development of ideas are well-known, Applicants respectfully disagree. The cited text of Gakidis does not address collecting ideas from a variety of sources as presently claimed. Gakidis apparently assumes that ideas have been submitted and addresses a different problem than the present invention of utilizing a motivational technique such as idea shares to motivate participation by financiers and other experts outside a business organization in the evaluation process of ideas.

Furthermore, Gakidis does not disclose and does not make obvious the step of "entering into an opportunity screening phase based on the idea sponsor's approval," as claimed in claim 1. Gakidis does not address entering an opportunity screen phase as described above. Gakidis' approach merely arranges individual experts in a hierarchical manner where lower level experts develop and refine an idea with an entrepreneur, evaluate the refined idea and pass the refined idea to higher level experts. Gakidis, para. [0054]. The higher level experts do the same but with a higher level of expertise. "At some point, when the idea has been presented to a

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sufficiently high level, the idea may be suitable for presentation to financiers, at which time the idea will have a rating based on the identity and skill of the experts who have agreed to participate in supporting , and thus effectively sponsor, the idea.” Gakidis, para. [0058] (emphasis added). Thus, Gakidis utilizes an almost arbitrary approach to determine when to forward an idea along rather than empowering an idea sponsor who has responsibility of assigning resources to the idea to allow the idea to enter an opportunity screening phase as presently claimed.

Claims 11-14 were rejected under 35 U.S.C. §103(a) based on Gakidis. The Official Action rejected claims 11 and 12 for the same reasons as claims 1-3, and 10. Claims 11 and 12 have been amended to include “ideas collected from a plurality of sources including ideas submitted through an idea submission tool and extracting ideas from using a knowledge management system to look for field based development opportunities that can be leveraged into solution deliverables,” and are, thus, patentable for the same reason as presently amended claim 1 discussed above.

Furthermore, in response to the Official Action interpreting steps (e), (i), and (j) of claim 11 as purportedly containing no patentable weight due to the use of the conjunction “if”, claim 11 has been amended to replace the conjunction “if” with the preposition “upon.” Although Applicants do not acquiesce in the Examiner’s interpretation, these amended steps now should clearly lend patentable weight.

Additionally, in response to the Official Action noting that the phrase “being capable” purportedly renders the corresponding limitation as not positively claimed, claim 12 has been

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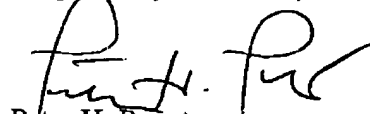
amended to replace the phrase "being capable" with the term "operable." Consequently, claim 12's limitation "each personal computer in the network operable to display a display screen for receiving inputs from an idea submitter," bears patentable weight. Furthermore, the Official Action's reason for rejecting dependent claims 13 and 14 as being dependent on "a no-patentable weight limitation" is also overcome.

Claims 12-14 were rejected under 35 U.S.C. §103(a) based in Gakidis in view of Davis or Petras. The Official Action only relies on Davis and Petras as teaching the use of a search by a key word and e-mail as frequently used tools on the Internet for exchanging and finding relevant information that could lead to marketing or potential business transactions at low cost. Thus, in light of the present claim amendments, Davis and Petras fails to cure the deficiencies of Gakidis described above.

#### Conclusion

All of the presently pending claims, as amended, appearing to define over the applied references, withdrawal of the present rejection and prompt allowance are requested.

Respectfully submitted,



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